



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 28 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7015 3010 0001 6837 7746

Francis X. Fitzgerald, P.E.
Assistant Vice President for Facilities Planning
and Operations
2900 Bedford Avenue
Brooklyn, NY 11210

**RE: Notice of Violation/ RCRA § 3007 Information Request Letter
Brooklyn College
EPA ID #NYD007433501**

Dear Mr. Fitzgerald:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under § 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in

Enclosure III. This information is necessary to determine the compliance status of Brooklyn College.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

The response to the request in the enclosures must be mailed to the following address:

Abdool Jabar
Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and will result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$37,500 per day per violation.

For consistency, please provide your answers in a format which is keyed to the sections as outlined in Enclosure II to this letter.

If you have any questions regarding this matter, please contact Mr. Abdool Jabar at (212) 637-4051 or jabar.abdool@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures:	Enclosure I	Notice of Violation
	Enclosure II	Information Request
	Enclosure III	Instructions & Definitions
	Enclosure IV	Certification of Answers

cc: Kelly Lewandowsky, Chief
Site Control Section
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

ENCLOSURE I

On or about February 10, 11, and 18, 2016, a duly authorized representative of the U.S. Environmental Protection Agency conducted a compliance evaluation inspections of Brooklyn College located at 2900 Bedford Avenue, Brooklyn, NY 11210. At the time of the inspection, your facility was found to be out of compliance with regulations applicable to generators of hazardous waste. Based on observations made during the inspection, it was determined that the following violations of RCRA regulations existed at your facility.

1. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

At the time of the inspection, Brooklyn College failed to make a hazardous waste determination of abandoned chemicals in the following rooms:

(a) In the Old Ingersoll Building, Room 027A, there were twelve unidentified containers dated 11/10/14.

(b) In the old Ingersoll Building, Room 027A, there were a number of other containers which were stored and not identified as hazardous waste.

(c) In the Old Ingersoll Building, Room 136, there were ten 5 gallon containers of Muriatic Acid which was abandoned.

(d) In the Ingersoll Building, Room 4315, there were two 4 liter containers of hazardous waste stored in the hood; the chemicals were crusting. There were also five 500 ml. one 4 liter container and one 250 ml. of hydrofluoric acid stored in the hood. The acids seemed to have been in the hood for a long period of time. Some of the containers were in a carton which crumbled when a facility representative touched it. In this laboratory, there were also a number of containers of old chemicals. They include one container (1lb.) of sodium cyanide, two containers (1 lb.) of sodium hydrosulfite, one 500 ml. of potassium permanganate, three 1 pt. containers of silver standard, four cardboard boxes each containing six 25 ml. of chromerge, two 250 ml. of perchloric acid and sulfuric acid, one 100 ml of potassium chloride which was leaking and one 2.5 liter of hydrochloric acid which was old.

(e) In the Ingersoll Building, Room 4311, there were two cabinets of abandoned chemicals.

2. Pursuant to 6 NYCRR § 372-2(a)(8)(iv), a small quantity generator may store hazardous waste for 180 days unless the disposal facility is 200 or more miles away.

At the time of the inspection, Brooklyn College stored two 55 gallon hazardous waste containers containing broken fluorescent bulbs for more than 180 days; one in the hazardous waste container storage area and one in Room 027A (staging area).

3. Pursuant to 6 NYCRR § 372.2(a)(8)(i)(a), a generator may accumulate up to 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without permit or interim status provided that the generator:

... (2) marks the containers with the words "Hazardous Waste" and other words that identify the contents of the containers....

(a) At the time of the referenced inspection, Brooklyn College stored one 1 gallon hazardous waste in Room 4302 F in the Ingersoll Building and the container was not labeled "hazardous waste" but was labeled corrosive.

(b) At the time of the inspection, in a garage outside the carpenter shop, Brooklyn College stored 5 containers (one 30 gallon and four 55 gallon) of hazardous waste and claimed that the storage area was a satellite area. The garage door connecting the building to the garage was inoperable. This satellite area was not close to the point of generation.

4. Pursuant to 6 NYCRR § 373-3.3(a), a facility should be maintained and operated to minimize the possibility of a fire or explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

At the time of the inspection, Brooklyn College failed to operate its facility to minimize the possibility of a fire or explosion, or any planned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water in at least the following areas:

(a) In the Old Ingersoll Building, Room 136, there were ten 5 gallon containers of Muriatic Acid which were abandoned.

(b) In the Ingersoll Building, Room 4315, there were two 4 liter containers of hazardous waste that were crusting in the hood. There were also five 500ml of hydrofluoric acid, one 4 liter container of hydrofluoric acid and one 250 ml of hydrofluoric acid in the hood. The acids seemed to have been in the hood for a long period of time. Some of the containers were in a carton which crumbled when a facility representative touched it. In

this laboratory, there were also a number of containers of old chemicals. The chemicals were not stored according to compatibility. They include one container (1 lb.) of sodium cyanide, two containers (1 lb.) of sodium hydrosulfite, one 500 ml of potassium permanganate, three 1 pt. containers of silver standard, four cardboard boxes each containing six 25 ml of chromerge, two 250 ml of perchloric acid and sulfuric acid, one 100 ml of potassium chloride which was leaking and one 2.5 liter of hydrochloric acid which was old.

(c) In the Ingersoll Building, Room 4311, there were two cabinets of abandoned chemicals.

(d) In the Ingersoll Building, Room 027 A, there was one 2 liter container of ethyl ether which was not tested for peroxide within the past 6 months.

5. Pursuant to 6 NYCRR § 373-3.3(d), facility communications or alarm systems, fire protection equipment, and spill control equipment are tested and maintained to assure their proper operation in time of emergency.

(a) At the time of the inspection Brooklyn College failed to inspect fire extinguisher(s) in the following rooms for the months of January 2016 and February 2016:

- (i) Ingersoll Building, Floor 2 Chemical Storage area;
- (ii) Ingersoll Building, Room 233;
- (iii) Ingersoll Building, Room 231;
- (iv) Ingersoll Building, Room 229;
- (v) Ingersoll Building, Room 241.

(b) At the time of the inspection, Brooklyn College failed to inspect the fire extinguisher(s) in the following rooms for the month of January 2016.

- (i) Ingersoll Building, Room 349 NE;
- (ii) Ingersoll Building, Room 351;
- (iii) Ingersoll Building, Room 0150;
- (iv) Ingersoll Building, Room 027;
- (v) Ingersoll Building, Room 347.

6. Pursuant to 6 NYCRR § 374-3.2(e)(5), a small quantity handler of universal waste must label each lamp or each container or package containing such lamps with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps."

At the time of the inspection, Brooklyn College was storing eight 4 foot containers and twelve spent fluorescent light bulbs which were not labeled.

7. Pursuant to 6 NYCRR § 374-3.2(d)(i), Small Quantity Handlers of Universal Waste must manage spent fluorescent light bulbs in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Containers or packages are closed and show no evidence of leakage, spillage, or damage.

At the time of the inspection, Brooklyn College did not store twelve spent fluorescent light bulbs in a container and did not close fourteen containers storing spent fluorescent light bulbs in the Universal waste storage room and did not store 17 fluorescent light bulbs in a container in the Art Department Dark Room.

ENCLOSURE II

Based on a review of the information obtained during this RCRA inspection (the "Inspection"), we have determined that the following information is required to evaluate the compliance of the Brooklyn College.

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide (1) a description of the actions taken to correct the violations cited in items 1 through 5 at your facility and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or (2) a rebuttal of the violations.

The relevant time period for the following questions is February 2013 through the date of receipt of this letter, unless otherwise specified.

2. In various laboratories, chemical storage areas and chemical preparation areas within the facility, EPA observed a variety of possibly hazardous materials being abandoned or stored. In many cases, it appeared that these materials were being accumulated or stored before or in lieu, of disposal. In regards to groups of materials described in subparagraphs a-e below, please provide the following:
- a. In a number of the laboratories, chemical storage areas and chemical preparation area, there were a large volume of containers of old chemicals. In some cases, those chemicals were stored in containers in poor condition and there was crusting and poor storage practices. Guidance from regulatory agencies suggests that the amount of chemicals in laboratories be kept at a minimum and if stored in a central area, it should be stored properly. Did Brooklyn College follow any such guidance(s)? If yes, provide copies of the guidance(s).
 - b. A description of the anticipated or proposed fate of the material (e.g., use, recycling, disposal as waste);
 - c. If the chemical material was or will be discarded, please state the method by which it was or will be discarded, where it was or will be discarded, and when it was or will be discarded;
 - d. If the chemical material was or will be discarded, state whether that chemical is a hazardous waste and the basis for that determination (include copies of the results of chemical and physical analyses), and provide copies of Uniform Hazardous Waste Manifests, including Land Disposal Restriction Form, as applicable, for each disposal shipment; and,

- e. If the chemical material will be reused/recycled, please state the method by which it was or will be reused/recycled, where it was or will be reused/recycled, and when it was or will be reused/recycled.
- f. Were incompatible chemicals stored in these areas? If the answer to this question is yes, state what the chemicals were and where they were stored. If the answer is no, please explain.

For this question, the groups of possible hazardous materials and/or wastes being accumulated or stored in the following areas:

- (a) In the Old Ingersoll Building, Room 027A.
 - (b) In the Old Ingersoll Building, Room 136
 - (c) In the Ingersoll Building, Room 4315
 - (d) In the Ingersoll Building, Room 4311
 - (e) Any other laboratory and chemical storage area at Brooklyn College.
3. With regards to the storage of chemicals in the laboratories, it was observed that in many cases, the shelves were cluttered, the chemicals were not stored according to compatibility, oxidizers were improperly and liquid chemicals some of which were corrosives were stored about eyelevel. In a few laboratories, the storage limits for flammable materials may have been exceeded. There were a few instances in which there were excessive containers of chemicals stored in hoods.
- Provide a plan in which you describe how you intend to improve your handling of chemical storage in your facility and how you would maintain best management practices in the laboratories.
4. There was concern about the excessive clutter found in the other areas visited, provide a plan as to how you plan to alleviate this situation.
5. Please provide a copy of all the photographs that were taken during the inspections.

ENCLOSURE III
INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Brooklyn College located at 2900 Bedford Avenue, Brooklyn, NY 11210.

11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).
13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).
14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

ENCLOSURE IV
CERTIFICATION OF ANSWERS

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE _____

DATE _____

TITLE